IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 450 of 1999

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/08/1998 in WP NO : 13289 OF 1993 on the file of the High Court.)

Between:

1 The Tirumal Tirupathi Devasthanams, rep. by its Executive Officer,

Tirupathi, Chittoor Dist.
2 The Cheif Engineer, The Tirumal Tirupathi Devasthanams,

Tirupathi, Chittoor Dist.

..... APPELLANTS

AND

B.Mallikarjuna, S/o Raghvaiah,O/o V.Sreedhar, 10-1-162, K.T.Colony,

K.T.Road, Tirupathi, Chittoor District.

.....RESPONDENT

Counsel for the Appellants: MR.A.CHANDRAIH NAIDU

Counsel for the Respondent: MR.G.DASARADHA RAMI REDDY

The Court made the following :

THE HON'BLE MRS. JUSTICE T. MEENA KUMARI

AND

THE HON'BLE MR. JUSTICE S. ANANDA REDDY

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W.A. No. 450 of 1999

JUDGMENT: (Per Hon'ble Mr. Justice S. Ananda Reddy)

This writ appeal is filed by the appellants/Tirumala Tirupati Devasthanams, who are the respondents in W.P.No. 13289 of 1993, aggrieved by the order of the learned single Judge, dated 27.08.1998 under which the appellants are directed to regularise the services of the respondent/writ petitioner as attender as and when the vacancies arise, and till then the writ petitioner should be continued on regular scales of pay.

2. It is represented by the learned counsel for the appellants that the appellants are aggrieved against the direction of the learned single Judge to pay regular scale of pay to the writ petitioner, as his services were not regularised. In fact, at the time of hearing, it is represented that a list of about 343 candidates was already sent to the Government for approval for absorption into the regular vacancies and the appellants are awaiting for the approval of the Government. But, however, the serious objection of the appellants is that there are so many

other similarly placed persons, like the respondent herein, who are being continued as NMRs., on consolidated basis. Therefore, it is difficult to implement the regular scale of pay to the respondent-Writ Petitioner. Therefore, the appellants sought for modification of the order of the learned single Judge.

3. The learned Counsel for the Respondent-Writ Petitioner, however, sought to contend that the services of so many other persons were regularised in terms of G.O.Ms.No.390, and even juniors to the respondent were regularised and regular scales of pay are being paid to them. In fact, the learned counsel placed a copy of the proceedings of the Executive Officer showing that as per the information furnished by the Chief Engineer, one Mr. M. Sreenivasulu, Casual Labourer/ Mazdoor, who is junior to the respondent is continuing in service on regular basis. In view of that the learned counsel for the respondent-Writ Petitioner contended that there is no justification in paying the consolidated pay to the respondent. Therefore, the learned counsel sought to sustain the order passed by the learned single Judge.

4. Heard the learned counsel for the appellants and the learned counsel for the respondent/writ petitioner, and considered the material on record.

5. The learned single Judge after considering all the material on record passed the order directing the appellants to regularise the services of the petitioner as and when the vacancies arise. But, insofar as the payment of regular scale is concerned, though a direction was given by the learned single Judge, the same was not implemented so far. Further it is said at the time of hearing that there are so many other similarly situated persons, who are being paid only consolidated pay. But, as already noted, even a junior to the respondent/petitioner is already being paid regular scale of pay after regularisation of his services.

6. In that view of the matter, we do not find any justification in continuing the respondent/writ petitioner on consolidated basis. Therefore, in our opinion, it is proper and just to direct the appellants to pay the regular scale of pay from 1st January 2005 at least to the respondent/writ petitioner.

7. With the above modification, the writ appeal is disposed of. However, this

order shall not be treated as a precedent with reference to any other persons/employees, who may approach the Court under the shelter of this order. No costs.

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T. Meena Kumari,J.

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S. Ananda Reddy, J.

Dt. 01.02.2005

Kvh

To

1. The E.O., T.T.D., Tirupati, Chittoor District.

2. The Chief Engineer, T.T.D., Tirupati, Chittoor District.

3. 2 CD copies